

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MUSTAFA KAMEL MUSTAFA,
a/k/a "Mostafa Kamel Mostafa,"
a/k/a "Abu Hamza,"
a/k/a "Abu Hamza al-Masri,"

Defendant.

Protective Order

04 Cr. 356 (AT)

Upon the application of the United States of America, with the consent of the undersigned counsel, the Court hereby finds and orders as follows:

Categories

1. **Subpoena Compliance.** The Government, through the Bureau of Prisons ("BOP"), has made and will make disclosure to the defendant of documents, objects and information, including electronically stored information, all of which will be referred to herein as "Subpoena Compliance." Subpoena Compliance may include material that (i) affects the privacy, confidentiality and business interests of individuals and entities; (ii) may impact the safety and security of BOP inmates or staff; and (iii) is not authorized to be disclosed to the public or disclosed beyond that which is necessary for the defense of this criminal case or in advancement of the defendant's motion for reduction in sentence and/or compassionate release, (Dkt. 615).

2. **Sealed Material.** Certain of the Subpoena Compliance, referred to herein as "Sealed Material," contains information that may impact the safety and security of BOP inmates or staff, who will be subject to risk of harm absent the protective considerations set forth herein.

3. **Attorney's Possession Only ("APO") Material.** Certain materials to be disclosed as Subpoena Compliance raise a particular risk of affecting the safety and security of BOP inmates

or staff. Subpoena Compliance produced by the Government or BOP that is either (1) designated in whole or in part as “Attorney’s Possession Only” by the Government or BOP in emails or communications to defense counsel, or (2) that includes a Bates or other label stating “Attorney’s Possession Only” or “APO” shall be deemed “APO Material.” Any material designated as APO Material shall also be deemed Sealed Material.

NOW, THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

Disclosure and Treatment

4. Subpoena Compliance shall not be disclosed by the defendant or defense counsel, including any successor counsel (“the defense”) other than as set forth herein, and shall be used by the defense solely for purposes of defending this action, which includes the advancement of the defendant’s pending motion for reduction in sentence and/or compassionate release, (Dkt. 615). The defense shall not post any Sealed or APO Material on any Internet site or network site, including any social media site such as Facebook or Twitter, to which persons other than the parties hereto have access, and shall not disclose any Sealed or APO Material to the media.

5. Sealed Material pertinent to any motion before the Court should initially be filed under seal, absent consent of the BOP or the Government or Order of the Court, and may be disclosed by defense counsel to:

- a. The defendant;
- b. Personnel for whose conduct defense counsel is responsible, *i.e.*, personnel employed by or retained by counsel, as needed for purposes of defending this action; and
- c. Prospective witnesses for purposes of defending this action.

6. APO Material received by defense counsel shall be maintained in a safe and secure manner by defense counsel and any personnel for whose conduct defense counsel is responsible;

shall not be possessed by the defendant, except in the presence of the defendant's counsel and any personnel for whose conduct defense counsel is responsible; and shall not be disclosed in any form by the defendant, his counsel, or any personnel for whose conduct defense counsel is responsible except as set forth herein.

Other Provisions

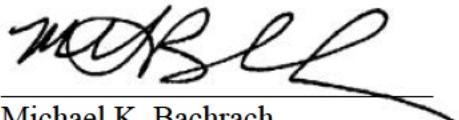
7. This Order does not prevent the disclosure of any Subpoena Compliance in any hearing or trial held in this action, or to any judge or magistrate judge, for purposes of this action but, except to the extent provided otherwise below, shall not be disclosed or used in any form in any other civil litigation, arbitration, or other private or alternative dispute resolution. All filings should comply with the privacy protection provisions of Fed. R. Crim. P. 49.1 and the above provisions.

8. The Government or BOP's designation of material will be controlling absent contrary order of the Court. The parties shall meet and confer regarding any dispute over such designations, after which the defense may seek de-designation by the Court. The Government or BOP may authorize, in writing, disclosure of Subpoena Compliance beyond that otherwise permitted by this Order without further Order of this Court.

9. Attorneys for the defense shall provide a copy of this Order to prospective witnesses and persons retained by counsel to whom defense counsel has disclosed Subpoena Compliance. All such persons shall be subject to the terms of this Order. Attorneys for the defense shall maintain a record of what information has been disclosed to which such persons.

10. The defense shall not provide any Subpoena Compliance to any foreign persons or entities, except if such persons or entities are personnel for whose conduct defense counsel is responsible or if the Court authorizes such disclosure on a case-by-case basis.

AGREED AND CONSENTED TO:



Michael K. Bachrach
Sam Schmidt
Counsel for Mustafa Kamel Mustafa

Date: September 26, 2024

DAMIAN WILLIAMS
United States Attorney

by: 
Alexander Li
Assistant United States Attorney

Date: September 26, 2024

SO ORDERED:

Dated: New York, New York

September 27, 2024



HONORABLE ANALISA TORRES
UNITED STATES DISTRICT JUDGE